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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,554	01/31/2002	Kevin L. Parsons	85811	2743

7590 05/12/2004

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EXAMINER

WARD, JOHN A

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. **10/066,554**

Applicant(s)

PARSONS ET AL.

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9, 11, 16-19, 30-33, 44-51 and 54-57 is/are allowed.
- 6) ☒ Claim(s) 12-15, 19, 26, 27, 34, 36, 37, 42, 43, 52, 53 and 58 is/are rejected.
- 7) ☒ Claim(s) 1-6, 10, 22-25, 28, 29, 35 and 38-41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 26 is objected to because of the following informalities: said battery pack is not cited in the independent claim 19 lacking antecedent basis. Appropriate correction is required.

Claim 43 is objected to because of the following informalities: said power source holder is not cited in the independent claim 42 lacking antecedent basis. Appropriate correction is required.

***The indicated allowability of claims 19, 27, 34, 36, and 42 are withdrawn in view of the newly discovered reference(s) to Galli ('067). Rejections based on the newly cited reference(s) follow.***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19, 26, and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Galli (US 6,530,672).

Regarding claims 19, Galli ('672) discloses a flashlight 10 comprising of a light source 14, a modular power source 16, 18, a housing 12 at least partially enclosing the light source having opposite side surfaces and an outer peripheral edge surface, a recess 24 extending into the housing from the peripheral edge surface. A switch to energize the light source, the switch being selectively operable in a first mode to momentarily closes the circuit, and being selectively operable in a second mode to continuously close the circuit (column 1, lines 59-65).

Regarding claim 26, as best understood Galli discloses the housing 12 includes an opening in figure 2 where the battery is placed in the recess 24.

Regarding claim 53, Galli discloses the switch is a slide switch 222.

Claim 27 is rejected under 35 U.S.C. 102(e) as being anticipated by Galli (US 6,530,072).

Regarding claims 27, Galli ('672) discloses a flashlight 10 comprising of a light source 14, a modular power source 16, 18, a housing 12 at least partially enclosing the light source having opposite side surfaces and an outer peripheral edge surface, a recess 24 extending into the housing from the peripheral edge surface. A switch to energize the light source, the switch being selectively operable in a first mode to momentarily closes the circuit, and being selectively operable in a second mode to continuously close the circuit (column 1, lines 59-65). It is inherent that a finger can be used a pusher member in order to at least partially eject the modular power source from the recess when the battery is disposed therein.

Claims 34, 52, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Galli ('672).

Regarding claims 34 and 52, Galli ('672) discloses a flashlight 10 comprising of a light source 14, a modular power source 16, 18, a housing 12 at least partially enclosing the light source having opposite side surfaces and an outer peripheral edge surface, a recess 24 extending into the housing from the peripheral edge surface. A switch to energize the light source, the switch being selectively operable in a first mode to momentarily closes the circuit, and being selectively operable in a second mode to continuously close the circuit (column 1, lines 59-65).

Regarding claim 12, 14 and 15 Galli discloses a key ring 27 attached to the housing of the flashlight extending outwardly to the housing opposite the light source 14.

Regarding claim 13, Galli discloses in figure 2 a key ring 27 attached to the housing of the flashlight locking the keys to the flashlight.

Claims 36 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Galli ('672).

Regarding claim 36, Galli discloses a light source 14, a modular power source 16, 18, a housing 12 at least partially enclosing the light source having opposite side surfaces and an outer peripheral edge surface, a recess 24 extending into the housing from the peripheral edge surface. A switch to energize the light source, the

switch being selectively operable in a first mode to momentarily closes the circuit, and being selectively operable in a second mode to continuously close the circuit (column 1, lines 59-65).

Regarding claim 37, Galli discloses in figure 19, that the contact member 202 acts as a push button when pushed down makes a contact with the light emitting diode.

Claims 42, 43 and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Galli ('672).

Regarding claim 42 and 43, Galli discloses a light source 14, a modular power source 16,18, a housing 12 at least partially enclosing the light source having opposite side surfaces and an outer peripheral edge surface, a recess 24 extending into the housing from the peripheral edge surface. Figure 2 discloses a power supply module 16, 18 that sit in the recess of the housing and it is inherent that a pusher member like a screwdriver or a fingernail can remove the battery member.

Regarding claim 58, Galli disclose a notch 36 adjacent to the recess of the modular power supply 16, 18 and has a locating arm 52 with the correct polarity of the power source in respect the polarity of the light source.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galli as applied to claim 19 above, and further in view of Huang (US 5,730,013).

Regarding claims 20 and 21, Galli discloses all the limitations of the claimed invention as cited above, but does not disclose a pushbutton switch.

Regarding claims 20 and 21, Huang discloses a key structure with illumination function comprising of a housing 21, light source 5, power source 4, and a pushbutton having a first and second position to turn the light source on and off.

It would have been obvious to one having ordinary skill in the art that the time the invention was made to combine the flashlight of Galli with the flashlight Huang that provides a lightweight flashlight that fits comfortably upon a key chain.

#### ***Allowable Subject Matter***

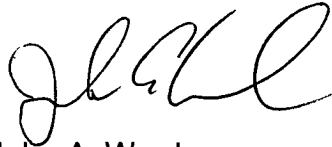
Claims 7-9, 11, 16-19, 30-33, 44, 45-49, 50-51, and 54-57 are allowed.

Claims 1-6, 10, 22-25, 28-29, 35, 38-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'JAW', is positioned above the printed name of the examiner.

John A. Ward  
Patent Examiner AU 2875

JAW  
May 5, 2003